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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,585	10/31/2001	Mark D. Seaman	10008309 - 1	1949

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

JELINEK, BRIAN J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/001,585

Applicant(s)

SEAMAN ET AL.

Examiner

Brian Jelinek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 25-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-11 and 25-37 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/31/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/31, 6/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

This is a first office action in response to application no. 10/001,585 filed on 10/31/2001 in which claims 1-37 are presented for examination. Claims 1-37 are subject to a restriction requirement; during a telephone conversation with Phil Lyren (Reg. No. 40709) on 11/26/2004, claims 12-24 were elected for examination without traverse. Consequently, claims 12-24 are currently pending in the instant application; and claims 1-11, and 25-37 are withdrawn from consideration.

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11, drawn to the generation and transmitting of a bookmark, classified in class 348, subclass 207.11.
- II. Claims 12-24, drawn to receiving a bookmark and annotating a captured image with the bookmark, classified in class 348, subclass 231.3.
- III. Claims 25-37, drawn to the identification and ordering of images by bookmark, classified in class 348, subclass 231.2.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as the generation and transmitting of a bookmark; invention II has separate

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utility such as receiving a bookmark and annotating a captured image; and invention III has separate utility such as the identification and ordering of images by bookmark. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Phil Lyren on 11/26/2004 a provisional election was made without traverse to prosecute the invention of the elected group II, claims 12-24. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-11, and 25-37 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 12-13, 18-19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al. (U.S. Pat. No. 5,768,633).**

Regarding claim 12, Allen et al. teaches a system which receives event bookmarks comprising: an image capture device (Fig. 1, element 20); a transceiver (Fig. 1, element 26) residing in the image capture device and configured to receive an event bookmark broadcasted (Fig. 5, element 59d) by an event bookmark broadcaster (Fig. 1, element 12); and a processing device configured to associate the received event bookmark with at least one captured image captured by the image capture device (Fig. 2, element 40; col. 3, lines 43-46).

Regarding claim 13, Allen et al. teaches the processing device further comprising a processor configured to execute logic such that the received event bookmark is associated with the at least one captured image (Fig. 2, element 40; col. 3, lines 43-46).

Regarding claim 18, Allen et al. teaches an infrared sensor coupled to the transceiver and configured to detect infrared signals having the event bookmark (Fig. 2, element 36).

Regarding claim 19, Allen et al. teaches detecting an event bookmark broadcasted from an event bookmark broadcaster (Fig. 2, element 36; col. 4, lines 13-15); capturing an image of interest with an image capture device (Fig. 1, element 20); and associating the captured image of interest with the detected event bookmark (Fig. 2, element 40; col. 3, lines 43-46).

Regarding claim 22, Allen et al. teaches communicating the captured image of interest and the associated event bookmark to an image data manager (Fig. 6, element 74; col. 4, lines 16-23).

**Claims 23, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura (U.S. Pat. No. 6,337,951).**

Regarding claim 23, Nakamura teaches a computer readable medium having a program for associating an event bookmark with a captured image (Fig. 1, element 21; col. 1, lines 59-65), the program comprising logic configured to perform the steps of: receiving an event bookmark (col. 4, lines 16-20); receiving a captured image of interest from an image capture device (col. 4, lines 1-26); associating the captured image of interest with the received event bookmark (col. 4, lines 1-26); and storing the captured image of interest and the associated event bookmark in a memory (col. 4, lines 1-26, where the memory comprises: memory 30, the filmstrip, and the magnetic recording layer of the filmstrip).

Regarding claim 24, Nakamura teaches the logic further configured to perform the steps of: storing in the memory a most recently received event bookmark (col. 4, lines 16-20); and retrieving the most recently received event bookmark from the memory in response to the step of receiving the captured image, such that the most recently received event bookmark is associated with the received captured image of interest (col. 4, lines 20-26).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (U.S. Pat. No. 5,768,633) in view of Nakamura (U.S. Pat. No. 6,337,951).**

Regarding claim 14, Allen et al. teaches a memory residing in the image capture device, the memory configured to store the received event bookmark such that the event bookmark is associated with at least one captured image (Fig. 2, element 66; col. 1, lines 8-10). Furthermore, Allen et al. teaches the camera captures an image and stores both the image data and transmitted data simultaneously (col. 1, lines 6-10). Allen et al. does not teach an event bookmark may be associated with an image captured subsequently after the transmitted data has been stored.

However, Nakamura teaches that transmitted data may be stored before an image is subsequently captured, and then the transmitted data may be associated with the captured image (col. 4, lines 14-26). One of ordinary skill in the art would have stored transmitted data before capturing an image for the purpose of allowing a photographer to check scene data without having to take a picture (col. 4, lines 27-39). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have stored transmitted data before capturing an image for the purpose of allowing a photographer to check scene data without having to take a picture.

Regarding claim 20, Allen et al. teaches storing the event bookmark in a memory such that the event bookmark is associated with at least one captured image of interest (Fig. 2, element 66; col. 1, lines 8-10). Furthermore, Allen et al. teaches the camera captures an image and stores both the image data and transmitted data simultaneously (col. 1, lines 6-10). Allen et al. does not

teach an event bookmark may be associated with an image captured subsequently after the transmitted data has been stored.

However, Nakamura teaches that transmitted data may be stored before an image is subsequently captured, and then the transmitted data may be associated with the captured image (col. 4, lines 14-26). One of ordinary skill in the art would have stored transmitted data before capturing an image for the purpose of allowing a photographer to check scene data without having to take a picture (col. 4, lines 27-39). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have stored transmitted data before capturing an image for the purpose of allowing a photographer to check scene data without having to take a picture.

**Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (U.S. Pat. No. 5,768,633), in view of Nakamura (U.S. Pat. No. 6,337,951), and further in view of Bando et al. (U.S. Pat. No. 6,636,158).**

Regarding claim 15, Allen et al. teaches appending information to a captured image (col. 3, lines 21-36), where the camera is capable of capturing and storing images and the transmitted data simultaneously (col. 1, lines 6-10). Allen et al. does not teach a clock residing in the image capture device, the clock configured to generate a time stamp such that the time stamp is associated with the at least one subsequently captured image and the event bookmark.

However, Bando et al. does teach a clock residing in the image capture device (Fig. 6, element 55; col. 5, lines 23-24), the clock configured to generate a time stamp such that the time stamp is associated with the at least one subsequently captured image and the event bookmark



(col. 18, lines 32-42). One of ordinary skill in the art would have provided a clock residing in the image capture device configured to generate a time stamp such that the time stamp is associated with the at least one subsequently captured image for the purpose of indicating a time of day at which the image in question was captured (col. 18, lines 40-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a clock residing in the image capture device configured to generate a time stamp such that the time stamp is associated with the at least one subsequently captured image for the purpose of indicating a time of day at which the image in question was captured.

**Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (U.S. Pat. No. 5,768,633) in view of Squilla et al. (U.S. Pat. No. 6,396,537).**

Regarding claim 16, Allen et al. teaches that communication with the camera is performed via an infrared wireless transceiver configured to detect infrared signals having the event bookmark (col. 2, line 61-col. 3, line 3; Fig. 2, element 26). Allen et al. does not teach that communication with the camera may comprise an antennae coupled to the transceiver configured to detect radio frequency (RF) signals.

However, Squilla et al. teaches that communication with the camera may be accomplished with different types of transceivers, including an IR transceiver (col. 4, lines 14-20); or alternatively, may comprise an antennae (Fig. 1, element 20) coupled to a transceiver (Fig. 1, element 30) configured to detect radio frequency (RF) signals (col. 4, lines 14-22). One of ordinary skill in the art would have provided an antennae coupled to a transceiver configured to detect radio frequency (RF) signals because Squilla et al. teaches that an IR transceiver may

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be replaced with an RF transceiver for providing communications with a camera (col. 4, lines 14-22) and because RF communications do not require line of sight between transmitter and receiver. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided an antennae coupled to a transceiver configured to detect radio frequency (RF) signals because Squilla et al. teaches that an IR receiver may be replaced with an RF transceiver for providing communications with a camera and because RF communications do not require line of sight between transmitter and receiver.

**Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (U.S. Pat. No. 5,768,633) in view of Mauro et al. (U.S. Pat. No. 5,634,144).**

Regarding claim 17, Allen et al. teaches that communication with the camera is performed via an infrared wireless transceiver configured to detect infrared signals having the event bookmark (col. 2, line 61-col. 3, line 3; Fig. 2, element 26). Allen et al. does not teach that communication with the camera may comprise an optical sensor coupled to the transceiver and configured to detect optical signals.

However, Mauro et al. teaches communication with the camera may comprise an optical sensor coupled to a transceiver and configured to detect optical signals (Fig. 2, elements 52 and 110; col. 4, line 57-col. 5, line 2). One of ordinary skill in the art would have provided an optical sensor coupled to the transceiver and configured to detect optical signals for the purpose of enabling communication with the camera using elements of a light beam auto-focus system already provided in the camera (col. 4, lines 57-60). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided an optical sensor

coupled to a transceiver and configured to detect optical signals for the purpose of enabling communication with the camera using elements of a light beam auto-focus system already provided in the camera.

**Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (U.S. Pat. No. 5,768,633), in view of Bando et al. (U.S. Pat. No. 6,636,158).**

Regarding claim 21, Allen et al. teaches appending information to a captured image (col. 3, lines 21-36), where the camera is capable of capturing and storing images and the transmitted data simultaneously (col. 1, lines 6-10). Allen et al. does not teach generating a time stamp; and associating the time stamp with the captured image of interest and the event bookmark.

However, Bando et al. does teach generating a time stamp (Fig. 6, element 55; col. 5, lines 23-24; col. 18, lines 32-42); and associating the time stamp with the captured image of interest and the event bookmark (col. 18, lines 32-42). One of ordinary skill in the art would have generated a time stamp and associated the time stamp with the captured image of interest and the event bookmark for the purpose of indicating a time of day at which the image in question was captured (col. 18, lines 40-42). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have generated a time stamp and associated the time stamp with the captured image of interest and the event bookmark for the purpose of indicating a time of day at which the image in question was captured.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (703) 305-4724. The examiner can normally be reached on M-F 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek  
11/26/2004

A handwritten signature in black ink, appearing to read 'Andrew Christensen', with a long horizontal line extending to the right.

ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
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